



## Appeal Decision

Site visit made on 3 March 2014

by **Michael Evans** BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 March 2014

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**Appeal Ref: APP/X5210/H/13/2203816**  
**124 Finchley Road, London NW3 5HT**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Joel Newman against the decision of the Council of the London Borough of Camden.
  - The application Ref 2013/2349/A, dated 11 April 2013, was refused by notice dated 19 June 2013.
  - The advertisement proposed is an LED internally illuminated advertising sign.
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### Decision

1. The appeal is allowed and express consent for the display of the LED internally illuminated advertising sign as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

### Main Issue

2. The main issue in this appeal is the effect on visual amenity.

### Reasons

3. The appeal concerns a building with a total of seven floors that has the appearance of a typical office building dating from the 1960s or 70s, with retail use at the ground floor level. It is located within the Fitzjohns/Netherhall Conservation Area. As with the immediately adjacent red brick buildings to either side, which possibly date from the Victorian period, it has ground floor fascia signs at the front. The proposed sign would be attached to the north facing side of the building. The base of the sign would be at about the same height as the top of the fascia signs at the front, projecting about 3m upwards at the first floor level of the building.
4. However, the fascias at the front are seen at an appreciably lower level, compared to those on the adjacent building to the north, when looking from the street. Those at the front of no. 124 are also recessed from the upper floors, limiting their prominence when looking southwards towards the building. As a result there would be a stronger visual relationship with the nearby signs to the north and it is in conjunction with these that the new sign would most easily be appreciated. Moreover, the new advertisement would not project unacceptably above this adjacent fascia signage when looking from the street. In consequence and despite being readily seen from both sides of Finchley Road,

as well as the general absence of signage on the upper floors of buildings in the vicinity, it would not appear unduly elevated or prominent.

5. There are other sources of light in the vicinity such as streetlights and there is no reason to believe that the internal illumination of the sign would have any adverse visual impact. The height would exceed the width of the sign reflecting the vertical emphasis of the building. The size of the sign would be particularly modest by comparison to the extent of the side elevation of the host property. It would also not be excessive in size by reference to those buildings to either side, which although not as large are still relatively imposing structures with four storeys including those in the roof. The sign would therefore be appropriate in relation to matters such as its design, illumination, size and position.
6. The host building is identified in the Council's Conservation Area Statement, Fitzjohns/Netherhall, as contributing positively to the Conservation Area and the front elevation does have a pleasantly symmetrical appearance. However, the side elevation forms a somewhat stark and drab expanse of wall, only relieved by four fairly modestly sized windows, so that the sign would add visual interest and colour to this part of the building. Because the building is a relatively dominant feature in the streetscene due to factors such as its height, I consider this a significant benefit.
7. As a result, rather than the sign appearing visually obtrusive, the appearance of the host building and streetscene would be improved. The boost to the positive contribution that the property already makes would result in the character and appearance of the Conservation Area being both preserved and enhanced.
8. The Council has drawn attention to the policies they consider to be relevant to this appeal and they have been taken into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In the determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
9. The Council's hoardings removal initiative, which is currently focusing on Finchley Road, is noted but I must consider whether in the light of the precise circumstances of this case there would be harm to visual amenity. Without the full details of the signs that the appeal decisions referred to by the Council are concerned with it is not possible to make any meaningful comparison with the current proposal. In any event, irrespective of these matters this appeal must be considered strictly on its own merits.
10. It is concluded that the proposed sign would not be harmful to visual amenity. Taking account of all other matters raised, the appeal therefore succeeds.

*M Evans*

INSPECTOR